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EXAMINER

CALDWELL, ANDREW T

| ART UNIT | PAPER NUMBER |
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2157

DATE MAILED: 12/12/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,486

Applicant(s)

MOSES ET AL.

Examiner

Andrew Caldwell

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Remarks

Claims 1-58 are pending.

Oath/Declaration

This application presents a claim for subject matter not originally claimed or embraced in the statement of the invention. The claims were amended to include the collecting of an individual export file into a group export file and the extraction of the individual export file from the group export file. A supplemental oath or declaration is required under 37 CFR 1.67. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02. Since a supplemental oath is not necessary to further consideration of the claims, the Applicants may request that this objection be held in abeyance as per the provisions of 37 C.F.R. 1.111(b).

Specification

The summary of the invention is objected to under 37 C.F.R. 1.73 because it is not commensurate with the invention as claimed. In particular, the summary of the invention does not describe the newly added features to the independent claims that require the filing of a new oath or declaration.

The abstract is objected to under 37 C.F.R. 1.72(b) for failing to describe the nature or gist of the invention. In particular, the abstract does not describe the newly

1 added features to the independent claims that require the filing of a new oath or
2 declaration.

3
4 ***Claim Rejections - 35 USC § 103***

5 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
6 obviousness rejections set forth in this Office action:

7 (a) A patent may not be obtained though the invention is not identically disclosed or described as set
8 forth in section 102 of this title, if the differences between the subject matter sought to be patented and
9 the prior art are such that the subject matter as a whole would have been obvious at the time the
10 invention was made to a person having ordinary skill in the art to which said subject matter pertains.
11 Patentability shall not be negated by the manner in which the invention was made.
12
13

14 This application currently names joint inventors. In considering patentability of
15 the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of
16 the various claims was commonly owned at the time any inventions covered therein
17 were made absent any evidence to the contrary. Applicant is advised of the obligation
18 under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was
19 not commonly owned at the time a later invention was made in order for the examiner to
20 consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)
21 prior art under 35 U.S.C. 103(a).
22

23 Claims 1-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over
24 Developing Applications with JRun, Allaire Corp., pp. I to xxvi, 1-13, 378-413, May 10,
25 2001, hereinafter the JRun Manual, in view of Douglas, G., Web Browser File Uploading
26 to EAS Server, Sybase, pp. 1-5, January 15, 2001.

27
28 Regarding claim 1, the JRun Manual teaches the invention substantially as
29 claimed by disclosing a method comprising:

1 Designating a component intended for export (p. 381 web application as
2 component);

3 Storing assets of the component designated in an individual export file (p. 381
4 and 390 - either WAR file or JAR file as individual export file);

5 Collecting the individual export file into a group export file (pp. 408-409 EAR as
6 group export file);

7 Extracting the individual export file from the group export file (p. 408 JRun
8 explodes WAR files contained in EAR file and JRUN deploys EJB JAR files);

9 Extracting the assets of the component from the individual export file to a plurality
10 of locations on the system at the remote location (pp. 409 and 411);

11 Wherein the assets include file assets and non-file assets configured to operate
12 on the system (pp. 408-411 showing expansion of WAR files into directory structure as
13 file assets and deploying the JAR files and application.xml file as non-file assets).

14 The JRun Manual teaches that a EAR file/group export file is deployed (p. 408)
15 but does not explicitly teach a method wherein the export file is transferred to a system
16 at a remote location and the extracted assets are stored on the system at the remote
17 location.

18 Douglas on the other hand teaches a method wherein the export file is
19 transferred to a system at a remote location and the extracted assets are stored on the
20 system at the remote location (pp. 1-5 uploading file from client to server).

21 It would have been obvious to one of ordinary skill in the art at the time the
22 invention was made to modify the JRun Manual's single system to transfer the export

1 file from the client/development system to a remote system/server because it would
2 allow development to occur on a system separate from the remote system/server, thus
3 increasing the reliability of the JRun Manual's web application.

4 Regarding claim 2, the JRun Manual teaches a method further comprising
5 collecting the assets of the designated component (pp. 381-383).

6 Regarding claim 3, the JRun Manual teaches a method further comprising
7 querying a local system to identify the component designated for export (pp. 381-387).

8 Regarding claim 4, the JRun Manual teaches a method wherein the collecting the
9 assets further comprises constructing the non-file assets as an XML fragment with a
10 predetermined structure (pp. 409-410 application.xml file).

11 Regarding claim 5, the JRun Manual teaches a method further comprising
12 parsing the XML fragment (pp. 409-410 where parsing is implicit in the use of the XML
13 file).

14 Regarding claim 6, the JRun Manual teaches a method further comprising
15 instantiating the non-file assets (pp. 408-411).

16 Regarding claim 7, the JRun Manual teaches a method wherein the non-file
17 assets include servlets. As to the particular limitations at issue in claim 7, it is well know
18 in the art that servlets perform these functions. It would therefore have been obvious to
19 one of ordinary skill in the art at the time the invention was made to have the servlets of
20 the JRun Manual perform their ordinary functions in a web application.

21 Regarding claim 47, the JRun Manual teaches a method where the component is
22 associated with a subsystem (pp. 385-387).

1 Regarding claim 48, the JRun Manual teaches a method wherein storing the
2 assets of the component is accomplished by the component's associated subsystem
3 (pp. 385-387).

4 Regarding claims 8-10 and 49-50, they are a method claims directed to the local
5 system of claims 1-7 and 47-48, which are directed to a method encompassing both the
6 local and the remote system. Since the remarks given above with respect to claims 1-7
7 and 47-48 apply equally to claims 8-10, they will not be repeated.

8 Regarding claims 11-15, they are method claims directed to the remote system
9 of claims 1-7 and 47-48, which are directed to a method encompassing both the local
10 and the remote system. Since the remarks given above with respect to claims 1-7 and
11 47-48 apply equally to claims 8-10, they will not be repeated.

12 Regarding claims 16-22 and 51-52, they are computer readable media claims
13 corresponding to method claims 1-7 and 47-48, respectively. Since they do not teach or
14 define above the information in the corresponding method claims, they are rejected
15 under the same basis.

16 Regarding claims 23-25 and 53-54, they are computer readable media claims
17 corresponding to method claims 8-10 and 49-50, respectively. Since they do not teach
18 or define above the information in the corresponding method claims, they are rejected
19 under the same basis.

20 Regarding claims 26-29, they are computer readable media claims
21 corresponding to method claims 11-15, respectively. Since they do not teach or define

1 above the information in the corresponding method claims, they are rejected under the
2 same basis.

3 Regarding claims 30-38 and 55-56, they are apparatus claims corresponding to
4 method claims 1-7 and 47-48. Since they do not teach or define above the information
5 in the corresponding method claims, they are rejected under the same basis.

6 Regarding claims 39-42 and 57-58, they are apparatus claims directed to just the
7 local system of system claims 30-38 and 55-56, respectively. Since the remarks given
8 above with respect to claims 30-38 and 55-56 apply equally to claims 39-42 and 57-58,
9 they will not be repeated.

10 Regarding claims 43-46, they are apparatus claims directed to just the remote
11 system of system claims 30-38, respectively. Since the remarks given above with
12 respect to claims 30-38 apply equally to claims 43-46, they will not be repeated.

13
14 ***Response to Arguments***

15 Applicant's arguments filed on November 17, 2003 (paper no. 11) have been fully
16 considered but they are not persuasive. The Applicants argue on page 14 of the
17 response that these amendments enable the storing of a component within an individual
18 export file and the collection of these individual export files onto one group export file
19 which may be used to contain and transport the assets of more than one component. In
20 essence, the Applicants paraphrased the substance of the entire claim and provided no
21 detailed discussion of the applied references. Since this amounts to a general

allegation of patentability, the Examiner therefore directs the Applicants to the reasons for rejection given above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Caldwell, whose telephone number is (703) 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Ario Etienne, can be reached at (703) 308-7562. Additionally, the fax numbers for Group 2100 are as follows:

Fax Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.



Andrew Caldwell
703-306-3036
December 9, 2003